

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:18-cv-00261-MR-WCM

SHANNON ROSENBLOOM,

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Plaintiff,

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vs.

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DEE HUNLEY, et al.,

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Defendants.

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ORDER

DEE HUNLEY, et al.,

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THIS MATTER is before the Court on the Plaintiff's "Motion to Appeal Order Granted to Dismiss with Prejudice," which the Court construes as a motion for reconsideration [Doc. 26].

The Plaintiff seeks reconsideration of the Court's Order [Doc. 24] accepting the Magistrate Judge's Memorandum and Recommendation and dismissing this case with prejudice. For grounds, the Plaintiff submits a series of email messages that she contends "prov[es] that [she] did originally file [her] complaint of discrimination with the EEOC on time." [Doc. 26 at 1].

The email communications attached to the Plaintiff's motion indicate that the Plaintiff contacted the EEOC in November 2017 and that the EEOC scheduled an interview to take place on February 8, 2018. These messages

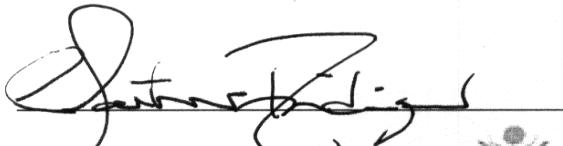
clearly advise, however, that the EEOC was merely seeking additional information and that such informational requests did not constitute the filing of a charge of discrimination. [See Doc. 26-1 at 1 (stating “ANSWERING THESE QUESTIONS IS NOT THE SAME AS FILING A CHARGE OF DISCRIMINATION”)]. The Plaintiff was advised of the date by which she was required to file a charge of discrimination. [See Doc. 26-3 at 2]. The Plaintiff, however, failed to file a charge within 180 days of her termination. The Plaintiff’s failure to file a timely charge with the EEOC thus barred her federal claim.

For these reasons, the Plaintiff’s motion for reconsideration is denied.

IT IS, THEREFORE, ORDERED that the Plaintiff’s “Motion to Appeal Order Granted to Dismiss with Prejudice,” which the Court construes as a motion for reconsideration [Doc. 26] is **DENIED**.

IT IS SO ORDERED.

Signed: September 27, 2019



Martin Reidinger
United States District Judge

